

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FIRST NAMED INVENTOR: Stanishlaw John Wierzbicki

APPLICATION NO.: 10/526,910

FILING DATE: 03/07/2005

TITLE: SOCK PEG

DOCKET NO.: AP049-05

**PETITION FOR REVIVAL COVER SHEET**

September 24, 2008

Attention: Office of Petitions  
Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Honorable Sir/Madam:

In response to the Notification of Abandonment dated 08/29/2008, the following petition for revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally is respectfully submitted in connection with above-identified application and comply with 37 CFR 1.137(b).

Enclosed are:

- ☒ Petition for Revival Cover Sheet
- ☒ Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)
- ☒ Copy of Notification of Abandonment
- ☒ Petition Fee \$770.00. Applicant is/are entitled to small entity status.
- ☒ Reply to Notification of Missing Requirement

From:

/David A. Guerra/  
David A. Guerra  
Customer No.: 29689  
2025 17<sup>th</sup> Avenue N.W.  
Calgary, AB, Canada T2M 0S7  
Phone: (403) 444-5695

**CERTIFICATE OF TRANSMISSION/MAILING**

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P.O. Box 1450  
Alexandria, Virginia 22313-1450

On (Date) 09/24/2008 by David A. Guerra /David A. Guerra/

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FIRST NAMED INVENTOR: Stanishlaw John Wierzbicki

APPLICATION NO.: 10/526,910

FILING OR 371(c) DATE: 03/07/2005

TITLE: SOCK PEG

GROUP ART UNIT: Unknown

EXAMINER: Unknown

**RESPONSE TO NOTIFICATION OF ABANDONMENT**

September 24, 2008

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

PCT Legal Administrator:

This response is submitted in conjunction with a copy of the NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C 371 and 37 CFR 1.495 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US).

In response to the NOTIFICATION OF ABANDONMENT dated 08/29/2008, the following remarks are respectfully submitted in connection with above-identified application:

## REMARKS

The Applicant appreciates the courteous and complete examination of the application by the PCT Legal Staff. In view of the following remarks, reply to the notification of missing requirements, and the petition for revival of an international application for patent designating the U.S. abandoned under 37 CFR 1.137(b), a reconsideration of the instant application is respectfully requested.

The above-identified NOTIFICATION OF ABANDONMENT indicated that the Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), specifically to the Notice of Insufficient Fees (DO/EO/UIS) mailed on 12/08/2005 within the time period set therein. The above-identified NOTIFICATION OF INSUFFICIENT FEES indicated that an additional claim fee of \$180.00 as a small entity, for multiple dependent claims, and a surcharge of \$65.00, is required. The Applicant submits a preliminary amendment which cancels the originally claims and adds new claims, a credit card payment via EFS-WEB for the \$65.00 surcharge, and a copy of a response to the NOTIFICATION OF INSUFFICIENT FEES which was transmitted to the USPTO on 01/05/2006 (Addendum A), thereby meeting the requirements of the Notification and 35 U.S.C. 371.

Since the preliminary amendment cancels all multiple dependent claims, then the additional claim fee of \$180.00 is not applicable, as stated in the above-identified Notice of Insufficient Fees.

The Applicant respectfully states that a response to the Notice of Insufficient Fees including a transmittal (3 pages), a reply to the notification (2 pages), a copy of the notification (2 pages), a credit card payment form (1 page), and a preliminary amendment (9 pages), was forward to Barbara Campbell, a USPTO employee who's signature was on the notice, by facsimile on 01/05/2006. Any errors pertaining to this reply was done unintentionally and without any deceptive intent.

After a review of the file wrapper through PAIR, it has been noticed that the reply and preliminary amendment was not entered into the file. It is believed that an error occurred either in the transmission or on the part of the USPTO, and the Applicant

would like to state that a reply to the notification of MISSING REQUIREMENTS was prepared and sent to the USPTO via facsimile on 01/05/2006. A copy of the original reply is submitted herewith, which is in full compliance with the above-mentioned notification of MISSING REQUIREMENTS.

Furthermore, it was discovered through PAIR that a previous Notification of Abandonment was mailed to the agent of record on 01/07/2008, but was mailed to a wrong address which did not correspond to the agent's customer number information. This previous notice was returned to the USPTO by the U.S. Postal Service as undeliverable. The second notice of abandonment was mailed to the proper address.

With the above reply being fully responsive to all formal requirements, it is respectfully submitted that this petition is now complete, and acceptance of the application is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or by email at davidguerra@internationalpatentgroup.com.

Respectfully Submitted,

/David A. Guerra/

David A. Guerra  
Registration No.: 46,443  
Customer No.: 29,689

#### **CERTIFICATE OF TRANSMISSION/MAILING**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

On (Date) 09/24/2008 by David A. Guerra /David A. Guerra/

# **Addendum A**

**Copy of reply to Notice of Insufficient Fees  
transmitted to the USPTO on 01/05/2006**

**David A. Guerra**

Customer No.: 29,689; Registration No.: 46,443

317 – 649 Marsh Road N.E.

Calgary, Alberta, Canada T2E 5B4

Phone (403) 710-6209 Fax (403) 276-1597

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**FACSIMILE COVER SHEET**

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TO:	FROM:
Barbara A. Campbell	David A. Guerra
GROUP ART UNIT:	DATE:
	1/5/2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-9886	19
SERIAL NUMBER:	APPLICANT:
10/526,910	Stanishlaw Wierzbicki
TITLE:	FILING DATE:
SOCK PEG	03/07/2005
RE:	ATTORNEY DOCKET NUMBER:
Response to Insufficient Fees and Preliminary Amendment	AP049-05

---

☐ URGENT      ☒ FOR REVIEW      ☐ PLEASE COMMENT      ☐ PLEASE REPLY

---

Barbara Campbell:

The following Response directed to the Notification of Insufficient Fees mailed on 12/08/2005, credit card payment form, and preliminary amendment is respectfully submitted in connection with the above identified application.

Thank you for you assistance.

Sincerely,



David Guerra  
Reg. Patent Agent, 46,443  
davidguerra@verizon.net

---

**DAVID A. GUERRA**  
317 – 649 Marsh Road N.E.  
Calgary, Alberta, Canada T2E 5B4

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 11/5/2006  
Date



Signature

David A. Guerra

Typed or printed name of person signing Certificate

46,443

403-547-1592

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

☒ Transmittal Form (3 pages)

☒ Preliminary Amendment (9 pages)

☒ Reply to Notification (2 pages)

☐

☒ Copy of Notification (2 pages)

☐

☒ Credit Card Payment Form

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>AP049-05</b>
INTERNATIONAL APPLICATION NO. <b>PCT/AU2003/001135</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/526,910</b>
INTERNATIONAL FILING DATE <b>09/04/2003</b>		PRIORITY DATE CLAIMED <b>09/04/2002</b>
TITLE OF INVENTION <b>SOCK PEG</b>		
APPLICANT(S) FOR DO/EO/US <b>Stanislaw Wierzbicki</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

PTO-1390 (Rev. 07-2005)

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/526,910		INTERNATIONAL APPLICATION NO. PCT/AU2003/001135		ATTORNEY'S DOCKET NUMBER AP049-05	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations..... \$200					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 490.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 245.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 245.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ 245.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

29,689

  
SIGNATURE

David A. Guerra

NAME

46,443

REGISTRATION NUMBER

Serial No.: 10/526,910

Docket NO.: AP049-05

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Stanislaw Wierzbicki

SERIAL NUMBER: 10/526,910

INTERNATIONAL APPLICATION NO.: PCT/AU2003/001135

FILING OR 371(c) DATE: 03/07/2005

TITLE: SOCK PEG

GROUP ART UNIT: 3677

EXAMINER: Unknown

AGENT DOCKET NO.: AP049-05

**RESPONSE TO NOTIFICATION OF INSUFFICIENT FEES (DO/EO/US)**

January 5, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Honorable Sir:

This response is submitted in conjunction with a copy of the NOTIFICATION OF INSUFFICIENT FEES (DO/EO/US).

In response to the NOTIFICATION OF INSUFFICIENT FEES dated 12/08/2005, the following amendments and/or remarks are respectfully submitted in connection with above-identified application:

Serial No.: 10/526,910

Docket NO.: AP049-05

**REMARKS**

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and/or the following remarks, a reconsideration of the instant application is respectfully requested.

The NOTIFICATION OF INSUFFICIENT FEES indicated that an additional claim fees of **\$245.00** as a small entity. The Applicant submits a credit card payment form for the additional claim fees, and a copy of the NOTIFICATION OF INSUFFICIENT FEES, thereby meeting the requirements of the Notification and 35 U.S.C. 371.

With the above amendments and/or remarks being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the application is now complete under 35 U.S.C. 371, and a new filing receipt is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, he is cordially invited to telephone the undersigned at 403-710-6209.

Respectfully Submitted,



David A. Guerra, Reg. 46,443

**CERTIFICATE OF TRANSMISSION/MAILING**

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Alexandria, Virginia 22313-1450

On (Date) 1/5/2006 by David A. Guerra 

PTO-2038 (02-2003)

Approved for use on 02/28/2006. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**United States Patent and Trademark Office**  
**Credit Card Payment Form**  
**Please Read Instructions before Completing this Form**

**Credit Card Information****Credit Card Type:** ☒ Visa ☐ MasterCard ☐ American Express ☐ Discover**Credit Card Account #:** 4264280698771392**Credit Card Expiration Date:** 07/2007**Name as it Appears on Credit Card:** David A Guerra**Payment Amount: \$ (US Dollars):** 245.00**Cardholder Signature:** *David A Guerra* **Date:** 1/5/2006

**Refund Policy:** The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

**Service Charge:** There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21 (m)).

**Credit Card Billing Address****Street Address 1:** 6105 E 130th Ave.**Street Address 2:****City:** Tampa**State/Province:** Florida**Zip/Postal Code:** 33617**Country:** United States of America**Daytime Phone #:** 403-710-6209**Fax #:** 403-276-1597**Request and Payment Information****Description of Request and Payment Information:**

Insufficient Fees

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
<b>Application No.</b> 10/526,910	<b>Application No.</b>	<b>Application No.</b>	<b>IDON Customer No.</b>
<b>Patent No.</b>	<b>Patent No.</b>	<b>Registration No.</b>	
<b>Attorney Docket No.</b> AP049-05		<b>Identify or Describe Mark</b>	

**If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: C/O ANDREW WELLS & COMPANY  
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 Alexandria, Virginia 22304-1191  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	AFTY DOCKET NO.
10/526,910	Stanishlaw John Wierzbicki	AP049-05

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/AU03/01135

LA FILING DATE	PRIORITY DATE
09/04/2003	09/04/2002

29689  
 DAVID A. GUERRA  
 317 - 649 MARSH ROAD N.E  
 CALGARY, AB T2E 5B4  
 CANADA

CONFIRMATION NO. 7844

371 FORMALITIES LETTER



\*OC000000017602881\*

Date Mailed: 12/08/2005

**Notification of Insufficient Fees (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/07/2005
- Copy of the International Search Report filed on 03/07/2005
- Copy of IPE Report filed on 03/07/2005
- Information Disclosure Statements filed on 03/07/2005
- Oath or Declaration filed on 03/07/2005
- Small Entity Statement filed on 03/07/2005
- U.S. Basic National Fees filed on 03/07/2005
- Priority Documents filed on 03/07/2005
- Power of Attorney filed on 03/07/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$180** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$245** for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 180
  - \$180 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO.
10/526,910	PCT/AU03/01135	AP049-05

FORM PCT/DO/EO/923 (371 Formalities Notice)



10/526,910

Docket No.: AP049-05

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Stanislaw Wierzbicki

TITLE: SOCK PEG

SERIAL NO.: 10/526,910

U.S. FILING DATE: 03/07/2005

INTERNATIONAL APPLICATION NO.: PCT/AU2003/001135

INTERNATIONAL FILING DATE: 09/04/2003

AGENT DOCKET NO.: AP049-05

**PRELIMINARY AMENDMENT UNDER 37 CFR § 1.115**

January 5, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Honorable Sir:

This Preliminary Amendment filed under 37 CFR § 1.115 is submitted in accordance with the Revised Amendment Format under the waiver of 37 C.F.R. § 1.121 as issued by the Deputy Commissioner for Patent Examination Policy on 1/31/03.

The following amendments and remarks are respectfully submitted in connection with above-identified national phase international application:

10/526,910

Docket No.: AP049-05

**AMENDMENTS TO THE DRAWINGS:**

No changes to the drawings.

10/526,910

Docket No.: AP049-05

**AMENDMENTS TO THE SPECIFICATION:**

No changes to the specification.

10/526,910

Docket No.: AP049-05

**AMENDMENTS TO THE CLAIMS:**

1) Please cancel claims 1-19 without prejudice or disclaimer of the subject matter thereof.

2) Please add new claims 20-38 as follows.

Claims 1-19 (cancelled):

Claim 20 (new): An integrally formed clamp for use as a clothes peg, said clamp comprising:

an opposed pair of first and second elongate substantially rigid members, said first elongate member having a first handle portion and a first clamping portion and said second elongate member having a second handle portion and a second clamping portion;

a flexible joint intermediate the lengths of said first and second elongate members configured to urge said first and second clamping portions into a clamping position when said clamp is in a passive state; and

a locking device, wherein said locking device has a hinge connecting a first end of said locking device to said first handle portion and movable about said hinge, and a second free end adapted to releasably cooperate with said second handle portion whereby to lock said first and second handle portions in spaced relationship preventing said first and second handle portions from being moved towards one another when said clamp is in a locked position.

Claim 21 (new): The clamp according to claim 20 for keeping members of a pair of garments together during laundry processing, wherein in the passive state said first and second clamping portions are urged into a clamping position and said first and second handle portions are held in spaced relationship by said flexible joint, upon compression of said first and second handle portions, said first and second clamping portions are forced apart such that said first and second clamping portions are adapted to receive said garments and to clamp together

10/526,910

Docket No.: AP049-05

said garments when said first and second handle portions are released, and said clamping portions secure said garments against dislodgment from said clamp.

Claim 22 (new): The clamp according to claim 20, further comprising a hanging member provided on said clamp.

Claim 23 (new): The clamp according to claim 20 wherein said locking device includes a ramp to guide said second handle portion into cooperative engagement with said locking device.

Claim 24 (new): The clamp according to claim 23 wherein said ramp is a cam surface.

Claim 25 (new): The clamp according to claim 23 wherein said locking device includes an inclined surface tapering from said ramp towards said hinge, and said second handle portion includes a complementary support surface on which said inclined surface rests when said locking device is engaged to said second handle portion.

Claim 26 (new): The clamp according to claim 21 wherein said locking device includes a shoulder and an adjacent recess, and wherein said second handle portion includes a protrusion adapted to ride over said shoulder and lockably rest in said recess, said protrusion being held in said recess by the flexing force of said first and second elongate members.

Claim 27 (new): The clamp according to claim 21 wherein said second handle portion includes a shoulder and an adjacent recess, and wherein said locking device includes a protrusion adapted to ride over said shoulder and lockably rest in said recess, said protrusion being held in said recess by the flexing force of said first and second elongate members.

Claim 28 (new): The clamp according to claim 21 wherein said second handle portion includes a guiding, longitudinally aligned slot configured to cooperate with a knob extending from said locking device.

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Claim 29 (new): The clamp according to claim 21 wherein said locking device includes a longitudinally aligned slot configured to cooperate with a guiding knob extending from said second handle portion.

Claim 30 (new): The clamp according to claim 21 wherein the terminal end of said second handle portion includes a platform oriented transverse to the longitudinal axis thereof, and said locking device includes a complementary flat surface adapted to abut said platform when said locking device and said second handle portion are cooperatively engaged.

Claim 31 (new): The clamp according to claim 21 wherein said hinge comprises a portion of material extending between said locking device and said first handle portion, said hinge is configured to be flexible without failing when subjected to continuous use.

Claim 32 (new): The clamp according to claim 21, wherein said first and second elongate members each include an elongate reinforcing ridge, said reinforcing ridge tapers towards the respective ends of said elongate member.

Claim 33 (new): The clamp according to claim 21 wherein said first and second clamping portions include gripping features.

Claim 34 (new): The clamp according to claim 33 wherein said gripping features include opposed rows of teeth on each of the inner facing surfaces of said first and second clamping portions.

Claim 35 (new): A clamp comprising:

- a first elongate substantially rigid member having a first handle portion and a first clamping portion;

- a second elongate member having a second handle portion and a second clamping portion;

- a flexible joint intermediate the lengths of said first and second elongate members configured to urge said first and second clamping portions into a clamping position when said clamp is in a passive state;

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a locking device having a first end and a second free end, said first end being movable connectable to said first handle portion via a hinge, said second free end being adapted to releasably cooperate with said second handle portion whereby to lock said first and second handle portions in spaced relationship preventing said first and second handle portions from being moved towards on another when said clamp is in a locked position;

wherein said locking device includes a ramp to guide said second handle portion into cooperative engagement with said locking device, and an inclined surface tapering from said ramp towards said hinge; and wherein said second handle portion includes a complementary support surface on which said inclined surface rests when said locking device is engaged to said second handle portion.

Claim 36 (new): The clamp according to claim 35 wherein said locking device includes a shoulder and an adjacent recess, and wherein said second handle portion includes a protrusion adapted to ride over said shoulder and lockably rest in said recess, said protrusion being held in said recess by the flexing force of said first and second elongate members.

Claim 37 (new): A clamp comprising:

a first elongate substantially rigid member, said first elongate member having a first handle portion and a first clamping portion, said first elongate member includes an elongate reinforcing ridge, said reinforcing ridge tapers towards the respective end of said first elongate member;

a second elongate member, said second elongate member having a second handle portion and a second clamping portion, said second elongate member includes an elongate reinforcing ridge, said reinforcing ridge tapers towards the respective end of said second elongate member;

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a flexible joint intermediate the lengths of said first and second elongate members configured to urge said first and second clamping portions into a clamping position when said clamp is in a passive state;

a locking device having a first end and a second free end, said first end being movable connected to said first handle portion through a hinge, said second free end being adapted to releasably cooperate with said second handle portion whereby to lock said first and second handle portions in spaced relationship preventing said first and second handle portions from being moved towards on another when said clamp is in a locked position;

wherein said locking device includes a ramp to guide said second handle portion into cooperative engagement with said locking device, and an inclined surface tapering from said ramp towards said hinge;

wherein said locking device includes a shoulder and an adjacent recess, and wherein said second handle portion includes a protrusion adapted to ride over said shoulder and lockably rest in said recess, said protrusion being held in said recess by the flexing force of said first and second elongate members.

wherein said second handle portion includes a complementary support surface on which said inclined surface rests when said locking device is engaged to said second handle portion; and

wherein the terminal end of said second handle portion includes a platform oriented transverse to the longitudinal axis thereof and said locking device includes a complementary flat surface adapted to abut said platform when said locking device and said second handle portion are cooperatively engaged.

Claim 38 (new): The clamp according to claim 37 wherein said second handle portion includes a guiding, longitudinally aligned slot configured to cooperate with a knob extending from said locking device.



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**REMARKS**

In order to expedite the prosecution of this application, claims 1-19 have been canceled without prejudice or disclaimer of subject matter thereof. New claims 20-38 have been added to more definitely point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant appreciates the courteous and complete examination of the application by the Examiner, and appreciates the acceptance of this preliminary amendment. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, he is cordially invited to telephone the undersigned at 403-710-6209.

Respectfully Submitted,



David A. Guerra, Reg. 46,443

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On (Date) 1/5/2006 by David A. Guerra

